REMARKS

Claims 11 and 13 have been amended. Claims 11 and 13 - 25 are currently pending in the present application with claim 12 being canceled.

In the Office Action, the specification is objected and claim 11 is objected to. Also, in the Office Action, claims 11, 13-16, 19-22, and 24-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Terauchi et al EP 0 509 660 in view of Hur et al US Patent No. 6,398,523. Addtionally, in the Office Action, claims 17-18 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Terauchi et al EP 0 509 660 in view of Hur et al US Patent No. 6,398,523, and further in view of Kawahara et al US Patent No. 6,273,688 and Bohlmann et al US Patent No. 4,420,063.

By the present amendment, the Applicant has amended claim 11 to provide proper antecedent basis and to comply with 37 CFR 121 (c). It is therefore respectfully requested that these objections be withdrawn.

With regard to the prior art rejections of claims 11 and 13 – 25, favorable reconsideration is respectfully requested in view of the amendments of claims 11 and 13 and the following comments.

Claim 11 of the present application as currently amended recites a linear compressor unit with an electromagnetic alternating field surrounding at least a portion of a cylinder. A magnet is located in the electromagnetic alternating field in the cylinder. The magnet is displaceable back and forth in the electromagnetic alternating field and a piston located in the electromagnetic alternating field in the cylinder is drivingly connected to the magnet. The present invention further includes a buffer volume and a module casing which encloses the cylinder and the buffer volume. The cylinder is mounted in the module casing so that the cylinder can oscillate in the module casing. The module casing includes an inlet passage for media to be compressed with the cylinder including an inlet opening lying opposite the inlet passage without making contact therewith. A passage to

the buffer volume is formed between the inlet opening and the inlet passage. At least one sound restrictor element is located in the buffer volume passage, and includes a plurality of generally cylindrical walls, with a first group of walls attached to the module casing and a second group of walls attached to the cylinder for generally reciprocal relative motion between the first group of walls and the second group of walls. As recited in claim 11 of the present application as currently amended, the first group of walls is intermeshed with the second group of walls and the first group of walls and the second group of walls form a pathway. The pathway has a first run and a second run, the first run of the pathway extending from the passage to the buffer volume to a first change of direction portion communicating the first run with the second run. One surface of the first group of walls delimits one side of the first run of the pathway and one surface of the second group of walls delimits an opposite side of the first run of the pathway. Additionally, the second run extends from the first change of direction portion to a second change of direction portion with another surface of the first group of walls delimiting one side of the second run of the pathway and another surface of the second group of walls delimiting an opposite side of the second run of the pathway. The pathway guides a medium that enters the pathway via the passage, moves in a first direction along the first run of the pathway, undergoes a change in direction while passing through the first change of direction portion, moves in a second direction along the second run of the pathway, and thereafter undergoes another change in direction while passing through the second change of direction portion.

Terauchi et al EP 0 509 660 discloses a linear compressor unit.

US Patent No. 6,398,523 to Hur et al discloses a linear compressor having a suction induction member 400 insertingly mounted at the refrigerant flow path (F) of the piston 40 for firstly guiding the suction of the refrigerant gas and firstly decreasing noise during the suction of the refrigerant gas and a suction guide member 410 of which one side is fastened to the inner surface of the refrigerant

vent hole 2a of the cover 450 in order to be inserted into the suction induction member 400 for secondly guiding the suction of the refrigerant gas and secondly decreasing noise during the suction of the refrigerant gas.

Kawahara et al US Patent No. 6,273,688 discloses a linear compressor having a spiral discharge tube 65 made of pipe member which is bent into a spiral shape.

Bohlmann et al US Patent No. 4,420,063 discloses a a pipe bend 520 provided as an exhaust gas discharge pipe in an inner area 414 of an inner casing 410; as a result of this apparatus or exhaust silencer, low inherent frequencies are obtained.

It is respectfully submitted that none of the prior art of record would provide one of skill in the art with any motivation for, or any hint of the desirability of, combining Terauchi et al EP 0 509 660 and US Patent No. 6,398,523 to Hur with one another. Terauchi et al EP 0 509 660 does not teach or suggest an arrangement for damping noise via a sound restrictor element located in a buffer volume passage, let alone an arrangement such as that of the present invention having a plurality of intermeshed walls.

Thus, Terauchi et al EP 0 509 660 itself would provide no motivation for one of skill in the art to selectively incorporate features of the US Patent No. 6,398,523 to Hur arrangement. Turning to US Patent No. 6,398,523 to Hur, this prior art reference as well would provide no motivation for one of skill in the art to selectively incorporate features of the US Patent No. 6,398,523 to Hur arrangement into the Terauchi et al EP 0 509 660 arrangement. A critical step in analyzing the patentability of claims pursuant to 35 U.S.C. § 103 is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. See *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may

prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher." *Id.* (quoting *W.L. Gore & Assocs. Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 313 (Fed. Cir. 1983)).

Applicant respectfully believes that any teaching, suggestion, or incentive possibly derived from the prior art is only present with hindsight judgment in view of the instant application. "It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps. . . . The references themselves must provide some teaching whereby the applicant's combination would have been obvious." *In re Gorman*, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991) (emphasis added by applicants). US Patent No. 6,398,523 to Hur does not teach or suggest a plurality of intermeshed walls. Thus, no teaching is present in either Terauchi et al EP 0 509 660 and US Patent No. 6,398,523 to Hur for one of skill in the art to selectively modify their respective arrangements in the manner set forth in the Office Action.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations. Upon evaluation of the Office action, it is respectfully believed that the evidence adduced is insufficient to establish a *prima facie* case of obviousness with respect to the claims. Accordingly, the Examiner is respectfully requested to withdraw the rejection.

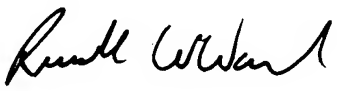
For these and other reasons, Hur '523 and Terauchi '660, either alone or in combination, do not teach or suggest the subject matter defined by claim 11 of the present application as currently amended. Therefore, Claim 11 is allowable. Claims 13 -16 and 19-20 depend from claim 11 and are allowable for the same reasons and also because they recite additional patentable subject matter. In this regard, it is noted that claim 17 of the present application recites that the cylinder is mounted for oscillation in the module casing by a cylinder outlet pipe. Hur '523 does not teach or disclose that its cylinder is mounted for oscillation.

Also, claim 21 and claims 22 and 24-25 depending therefrom are submitted to be allowable for the same reasons as set forth above and also because they recite additional patentable subject matter.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 11 and 13 - 25 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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